REMARKS

Reconsideration of this application, as amended, is requested. Claims 1, 3, 6, 7, 10, 11, 19 and 22-26 remain in the application. Claims 2, 4, 5, 8, 9, 12-18, 20 and 21 have been canceled. New claims 22-26 are added and depend respectively from each of the independent claims.

An Amendment After Final Rejection was filed on June 16, 2006. An Advisory Action issued on July 5, 2006 and indicated that the Amendment After Final Rejection would be entered for purposes of an Appeal. An Appeal is not being filed, and hence it is the understanding of counsel that the Amendment After Final Rejection was not entered. This Amendment is based on that understanding, and hence incorporates the changes that were requested with the Amendment After Final Rejection. Counsel checked with the Examiner by telephone on this handling of the claims, and it is believed that this handling of the claims conforms to the matters discussed with the Examiner.

The Examiner will note that the amendments clarify the shape of the constricted portion that was defined in original dependent claims 2, 5, 9 and 13 and in previously presented claim 20. The constricted portion was added to each of the independent claims in the June 16, 2006 Amendment After Final Rejection. The Examiner concluded, apparently, that the constricted portion was not defined with sufficient particularity in the claims that were submitted with the Amendment After Final Rejection. However, the Examiner suggested during the brief telephone conversation on July 12, 2006 that further specificity regarding the configuration and location of the constricted portion might be received more favorably. The constricted portion defined by the amended independent claims herein is believed to provide that greater specificity. These amended

claims have clear support in the specification, and particularly in the figures. The Examiner will note that the new claims further clarify the shape of the portion of the nozzle between the top end of the nozzle and the ring-shaped projection.

Claims 1-5, 11-13, 15-17 and 19-21 were previously rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 3,209,963 to Krieps et al. The Examiner referred specifically to FIG. 2 of the Krieps et al. reference and concluded that Krieps shows a container B comprising a neck portion, a cap 48 coupled with a lid 12 via a hinge, a nozzle 22, a flange 34 spaced from the top end of the nozzle and configured to be in contact with the top of the neck portion. The Examiner also concluded that the Krieps et al. reference has a ring-shaped projection 32 formed at an upper part of the nozzle and hermetically brought into contact with the inner surface of the cap. The Examiner then asserted that the Krieps et al. reference has a "constricted portion formed below the ring-shaped projection."

It is submitted, with respect, that the Krieps et al. reference is deficient in several respects. First, claim 1 as existing prior to this Amendment recited "a flange portion spaced from the top end of the nozzle and configured to be in contact with the top of the tubular neck portion of the liquid container." In contrast, the Krieps et al. reference has an annular sealing bead 30 that extends around the cylindrical sidewall 22 of the nozzle. The annular bead 30 is configured for engaging in a complimentary recess 90. With this engagement, as shown most clearly in FIG. 2, the flange portion 34 of Krieps et al. does not and cannot contact the top of the tubular neck portion of the liquid container. Amended claim 1 now positively recites "a constricted portion between the ring-shaped projection and the flange portion of the nozzle, the constricted portion having an inwardly curved external surface with a minimum cross-sectional dimension that is less than

external cross-sectional dimensions defined by the flanged portion and the ring-shaped projection." In contrast, the Krieps et al. reference has no constricted portion with "an inwardly curved external surface." Rather, Krieps et al. has "a cylindrical sidewall 22". The flange 34 and the ring-shaped projection 32 extend out from the cylindrical sidewall 22. It is submitted that no constricted portion with an inwardly curved external surface is formed between the ring-shaped projection 32 and the flange 34 of Krieps et al. The constricted portion defined in amended claim 1 has several very significant advantages that are not suggested at all by Krieps et al. In particular, the constricted portion with an inwardly curved external surface of amended claim 1 prevents liquid from dripping, serves as a core of forming liquid drops, prevents liquid from leaking into the container and enables a very smooth cutting of liquid flow. Amended independent claims 3, 7 and 19 define substantially the same limitations discussed above and distinguish from Krieps et al. for the same reasons.

Amended claim 11 does not positively recite the flange portion that is set forth in the other independent claims. However, amended claim 11 clearly defines the constricted portion with an inwardly curved external surface between the ring-shaped projection of the nozzle and the top of the cap. As noted above, no such constricted portion with an inwardly curved external surface is shown in Krieps et al.

Claims 1-5, 15, 16, 19 and 20 were rejected under 35 USC 102(b) as being anticipated by Allegretti et al. The Examiner concluded that the Allegretti et al. reference shows a container with a neck portion, a cap 14 and a nozzle. The nozzle was considered by the Examiner to have a ring-shaped projection 5, a constricted portion below the projection 5 and a flange 6 spaced from the top end of the nozzle and configured to be in contact with the top of the neck portion.

It is submitted that the Allegretti et al. reference has no structure comparable to the ring-shaped projection. Rather, the element 5 of Allegretti et al. that was compared to the ring-shaped projection is actually an array of "screw threads" (column 4, line 19) for threadedly mating with mating threads on the cap shown in FIG. 5 of Allegretti et al. Nothing in Allegretti et al. suggests that a hermetic seal is obtained between the mating threads. Rather, the seal is achieved by the projection 14 at the center of the cap. Furthermore, nothing in Allegretti et al. suggests the constricted portion with an inwardly curved external surface defined by amended independent claims 1, 3 and 19. In this regard, the Allegretti et al. reference has screw threads that extend out from a cylindrical wall, but no constricted portion. Accordingly, it is submitted that the invention defined by amended independent claims 1, 3 and 19 and their dependent claims is not taught or suggested by Allegretti et al.

Claim 6 was rejected under 35 USC 103(a) as being obvious over Krieps et al. in view of U.S. Patent No. 4,782,964 to Poore et al.

The Poore et al. reference does not overcome the deficiencies of Krieps et al. as applied to amended claim 3 and as explained in detail above.

Claims 1-10, 15-17, 19 and 20 were rejected under 35 USC 103(a) as being obvious over Faurie in view of Krieps et al.

As noted above, the Krieps et al. reference has no suggestion of a constricted portion with an inwardly curved external surface. Faurie also has no suggestion of a constricted portion with an inwardly curved external surface. As a result, their hypothetical combination could not possibly teach or suggest such a structure. To the contrary, the entire Faurie nozzle diverges outwardly to wider dimensions at all locations from the top of the nozzle substantially to the area where the flange of Faurie exists. Furthermore, it is not seen how or why the skilled artisan would provide the ring-shaped

projection of Krieps et al. on the nozzle of Faurie. Faurie and Krieps et al. have entirely different cooperations between the nozzle and the cap, and hence the incorporation of the Krieps et al. ring-shaped projection onto the Faurie nozzle would make no sense and would not be obvious to the person skilled in the art.

In view of the preceding amendments and remarks, it is submitted that all the claims remaining in the application are directed to patentable subject matter, and allowance is solicited. The Examiner is urged to contact the applicant's attorney at the number below to expedite the prosecution of this application

Respectfully submitted,

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